

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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W10b



Prepared July 10, 2007 (for July 11, 2007 hearing)

To: Coastal Commissioners and Interested Persons

From: Charles Lester, District Director
Steve Monowitz, District Manager
Jonathan Bishop, Coastal Program Analyst

Subject: STAFF REPORT ADDENDUM for W10b SLO-MAJ-1-06 Part 2 (Fiscalini Ranch Amendment)

Since the completion of the staff report on June 28, 2007, the County of San Luis Obispo and other interested parties have suggested changes to the recommendations regarding allowable uses on the Fiscalini Ranch. In response to these comments, staff has revised the suggested modifications and clarified that the existing Public Utility Facilities category would allow for the relocation of the CCSD's existing pump station. The change is shown below as follows (new text shown with double underlines):

I. Changes to Suggested Modifications

13. Fiscalini Ranch. The following standards apply to the area designated on Figure 7-5 as Fiscalini Ranch.

A. Limitation on Use

- 1. Recreation Land Use Category.** Uses shall be limited to Outdoor Sports & Recreation, Passive Recreation, Crop Production & Grazing, Communications Facilities, Coastal Accessways, Public Assembly & Entertainment, Temporary Events, One Caretaker Residence, Residential Accessory Use, Fisheries & Game Preserves, Water Wells & Impoundments, existing Public Utility Facilities (including relocation of the existing pump station), and Pipelines & Transmission Lines. Utilities shall be installed underground rather than by the use of poles and overhead lights.



California Coastal Commission

July 2007 Meeting in San Luis Obispo

Staff: J.Bishop Approved by:

CALIFORNIA COASTAL COMMISSION

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W10b



Prepared June 28, 2007 (for July 11, 2007 hearing)

To: Commissioners and Interested Persons

From: Charles Lester, Deputy Director
Steve Monowitz, District Manager
Jonathan Bishop, Coastal Program Analyst

Subject: San Luis Obispo County Local Coastal Program Major Amendment No. 1-06 (Part 2) Fiscalini Ranch Amendment. For public hearing and action at the California Coastal Commission's July 11, 2007 meeting to take place in San Luis Obispo.

SYNOPSIS

The County of San Luis Obispo proposes to change the underlying land use designations and establish allowable uses on the 430-acre Fiscalini Ranch (the Ranch) located in Cambria. The way in which the County implements these actions is by: 1) amending the Official Maps of the Land Use Plan (LUP) to reflect the newly proposed land use designations; and 2) placing a "Limitation on Use" development standard specific to the Ranch into the North Coast Area Plan (NCAP) segment of the LUP. A copy of the proposed map changes and lists of allowable uses is included as Exhibit A.

SUMMARY OF STAFF RECOMMENDATION

The Fiscalini Ranch Amendment places large areas of property into open space and allows for improved public access and recreation opportunities in Cambria. As submitted, the land use designation changes are consistent with the Coastal Act. However, recognizing the biological and visual sensitivity of the property and the important role that it plays for public access and recreation, it is necessary to further restrict the types of uses that may be allowed on the Ranch. Suggested modifications delete incompatible uses that have the potential to adversely impact coastal resources. **Therefore, Coastal Commission staff recommends that the amendment be approved only if modified as suggested.** With the suggested modifications, staff further recommends that the Commission find that the proposed Land Use Plan amendment is consistent with the Coastal Act.

ANALYSIS CRITERIA

The relationship between the Coastal Act and the local government's Local coastal Program (LCP) can be described as a three-tiered hierarchy with the Coastal Act setting generally broad statewide policies. The Land Use Plan (LUP) portion of the LCP incorporates and refines Coastal Act policies for the local jurisdiction, giving local guidance as to the kinds, locations, and intensities of coastal development. The Implementation Plan (IP), or zoning portion of an LCP, typically sets forth zone districts and site regulations that specify how coastal development is to be implemented on a particular parcel consistent with LUP policies. The IP must be consistent with, and adequate to carry out, the policies of the LUP. The LUP must be consistent with the Coastal Act. In this case, the proposed amendment affects the Land use Plan (LUP) component of the San Luis Obispo County certified LCP. Thus, the standard of review for the amendment is consistency with the Coastal Act.



California Coastal Commission

July Meeting in San Luis Obispo

Staff: J. Bishop Approved by:

ADDITIONAL INFORMATION

For further information about this report or the amendment process, please contact Jonathan Bishop, Coastal Program Analyst, at the Central Coast District Office of the Coastal Commission, 725 Front Street, Suite 300, Santa Cruz, CA 95060; telephone number (831) 427-4863.

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I. Staff Recommendation – Motions & Resolutions

Staff recommends that the Commission, after public hearing, certify the proposed amendment only if modified. The Commission needs to make two motions in order to act on this recommendation.

A. Denial of Land Use Plan Amendment as Submitted

***Motion (1 of 2).** I move that the Commission certify Land Use Plan Amendment SLO-MAJ-1-06 (Part 2) as submitted by the County of San Luis Obispo.*

Staff Recommendation to Deny. Staff recommends a **NO** vote. Failure of this motion will result in denial of the amendment as submitted and adoption of the following resolution and findings. The motion to certify passes only by an affirmative vote of a majority of the appointed Commissioners.

Resolution to Deny. The Commission hereby **denies** certification of the Land Use Plan Amendment SLO-MAJ-1-05 (Part 2) as submitted by the County of San Luis Obispo and adopts the findings set forth below on the grounds that the amendment does not conform with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

B. Approval of Land Use Plan Amendment if Modified

***Motion (2 of 2).** I move that the Commission certify Land Use Plan Amendment SLO-MAJ-1-06 (Part 2) for the County of San Luis Obispo if it is modified as suggested in this staff report.*

Staff Recommendation to Certify with Suggested Modifications. Staff recommends a **YES** vote. Passage of the motion will result in the certification of the land use plan amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of the majority of the appointed Commissioners.

Resolution to Certify with Suggested Modifications. The Commission hereby certifies the Land Use Plan Amendment SLO-MAJ-1-06 (Part 2) for the County of San Luis Obispo if modified as suggested and adopts the findings set forth below on the grounds that the Land Use Plan amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.



II. Suggested Modifications

The Commission suggests the following modifications to the proposed LCP amendment, which are necessary to make the requisite Coastal Act consistency findings. If San Luis Obispo County accepts and agrees to each of the suggested modifications within six months of Commission action (i.e., by January 11, 2008), by formal action of the Board of Supervisors, the LCP amendment will become effective upon Commission concurrence with the Executive Director's finding that this acceptance has been properly accomplished. Where applicable, text in ~~cross-out~~ format denotes text to be deleted and text in underline format denotes text to be added.

13. Fiscalini Ranch. The following standards apply to the area designated on Figure 7-5 as Fiscalini Ranch.

A. Limitation on Use

1. **Recreation Land Use Category.** Uses shall be limited to Outdoor Sports & Recreation, Passive Recreation, Crop Production & Grazing, Communications Facilities, Coastal Accessways, Public Assembly & Entertainment, Temporary Events, One Caretaker Residence, Residential Accessory Use, Fisheries & Game Preserves, Water Wells & Impoundments, existing Public Utility Facilities, and Pipelines & Transmission Lines. Utilities shall be installed underground rather than by the use of poles and overhead lights.
2. **Open Space Land Use Category.** Uses shall be limited to ~~Outdoor Sports & Recreation~~, Passive Recreation, Crop Production & Grazing (grazing only), ~~Communications Facilities~~, Coastal Accessways, Temporary Events, ~~One Caretaker Residence~~, ~~Residential Accessory Use~~, existing Water Wells & Impoundments, existing Public Utility Facilities, and existing Pipelines & Transmission Lines.

B. Pedestrian and Bicycle Path – East Ranch Area. A pedestrian and bicycle path shall be installed along Santa Rosa Creek at the time of development consistent with the environmentally sensitive habitat area policies of the Land Use Element and applicable standards of the Coastal Zone Land Use Ordinance.

III. Findings and Declarations

The Commission finds and declares as follows:

A. Background

The Fiscalini Ranch (formerly known as the East-West Ranch) is a 430-acre property centrally located in the community of Cambria. The Ranch has long been recognized for its visual and scenic resources and significant habitat values. The western portion of the property stretches along the shoreline and



coastal bluffs, while the eastern portion includes parts of inland Santa Rosa Creek and its associated floodplain (see Exhibit A). According to reports, native Chumash and Salinan tribes once thrived in the area. In the early 1900's, the Ranch was used as a working dairy by the Fiscalini family, including a cattle-grazing operation and assorted facilities. In recent years, pressure to subdivide and develop the property for significant residential use galvanized community efforts to acquire ownership and preserve the Ranch. In November 2000, the Ranch was purchased with public and private funds and is now to remain available for public open space and recreational use. Through the LCP amendment process, the County has proposed to establish the type, location, and intensity of future use and development on the Ranch.

B. Description of LCP Amendment

The proposed amendment changes the underlying land use designations on the Fiscalini Ranch. On the western portion of the Ranch, 170 acres is to be changed from Residential Single-Family (RSF) to Open Space (OS). On the eastern portion of the Ranch, 47.4 acres are to be changed from Recreation (REC) and Public Facility (PF) to Open Space (OS), 18.1 acres are to be changed from Residential Multi-family (RMF) to Recreation (REC), and 10 acres are to be changed from Commercial Retail (CR) to Recreation (REC). The table below illustrates the proposed land use designation changes:

Location	Existing Land Use	Proposed Land Use	Acreage
West Ranch	Residential Single Family (RSF)	Open Space (OS)	170
East Ranch Floodplain	a. Recreation (REC) and Public Facilities (PF)	Open Space (OS)	47.4
	b. Residential Multi-Family (RMF)	Recreation (REC)	18.1
	c. Commercial Retail (CR)	Recreation (REC)	10

In addition to the clear public access and recreation benefits realized through the land use designation changes, the amendment better guides future development potential on the Ranch consistent with available services and resource protection. According to the County, the public purchase and protection of this property results in the removal of approximately 738 potential residential dwellings, with the added benefit of preserving a large swath of land containing sensitive coastal resources. The most notable is the re-designation of 170 acres of the West Ranch (Fiscalini Ranch) from Residential Single Family (RSF) to Open Space (OS). Without question the proposed land use designation changes are more protective of coastal resources and promote and enhance opportunities for public access and recreation along the shoreline.

In addition to changing the underlying land use categories, the amendment establishes a list of allowable uses for both the Open Space (OS) and Recreation (REC) designated areas. For the OS areas, allowable uses include: Outdoor Sports and Recreation, Passive Recreation, Crop Production and Grazing, Communication Facilities, Coastal Accessways, Public Assembly & Entertainment, Temporary Events, One Caretaker Residence, Residential Accessory Uses, Fisheries and Game Preserves, Water Wells & Impoundments, and Pipelines & Transmission Lines (utilities must be undergrounded). For the REC areas, allowable uses include: Outdoor Sports and Recreation, Passive Recreation, Crop Production and



Grazing, Communication Facilities, Coastal Accessways, Temporary Events, One Caretaker Residence, Residential Accessory Uses, Water Wells & Impoundments, and Pipelines & Transmission Lines.

Recognizing the quality scenic resources and habitat values on the Ranch, some of the proposed uses are incompatible with the protection and enhancement of coastal resources. As detailed in the findings below, only with modifications can the list of allowable uses proposed by the County be found consistent with the Coastal Act.

C. Coastal Act Consistency

This section evaluates the submitted LCP amendment in three Coastal Act policy areas: 1) environmentally sensitive habitat areas (ESHA); 2) scenic resources; and 3) public access and recreation. As described previously, the standard of review for evaluating Land Use Plan amendment submittals is consistency with Chapter Three of the Coastal Act.

1. Environmentally Sensitive Habitat Areas

A. Coastal Act Policies

Section 30107.5 of the Coastal Act defines environmentally sensitive areas as follows:

30107.5: *"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*

Coastal Act Section 30240 states:

Section 30240(a). *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

Section 30240(b). *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Coastal Act Section 30231 provides:

Section 30231. *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*



B. Issues and Analysis

One of the primary objectives of the Coastal Act is to preserve, protect, and enhance environmentally sensitive habitat areas (ESHA). Coastal Act Section 30240 prohibits any significant disruption of habitat values, and limits development within ESHA to uses that are dependent on the resource. It also requires that development adjacent to ESHA be sited and designed to prevent significant degradation, and be compatible with the continuance of the habitat. Section 30231 provides that the biological productivity of coastal waters, streams, wetlands, estuaries, and lakes must be maintained and, where feasible, restored. This is to be achieved by, among other means: minimizing adverse effects of wastewater discharges and entrainment; controlling runoff; preventing depletion of groundwater supplies and substantial interference with surface water flow; encouraging wastewater reclamation; maintaining natural buffer areas that protect riparian habitats; and minimizing alteration of natural streams.

Fiscalini Ranch contains a variety of environmentally sensitive habitats requiring protection under the Coastal Act. These include Monterey Pine Forests, an environmentally sensitive habitat endemic to this stretch of coast and a defining characteristic of the area; beaches and bluffs that support populations of sensitive flora and fauna; streams such as Santa Rosa Creek that support important fish species such as Steelhead trout and Tidewater goby; wetlands that are essential components to the health and biological productivity of area watersheds; native grasslands and oak woodlands; and intertidal and marine environments that provide habitat for numerous ocean resources (see Exhibit B for identified and mapped habitats on the Ranch). The current LCP maps much of the western portion of the Ranch proposed for open space as Terrestrial Habitat (TH) ESHA.

As described previously, the proposed changes to the underlying land use designations are consistent with the ESHA protection provisions of the Coastal Act. In addition, the allowable uses proposed for land in the Recreation (REC) land use category also appear largely consistent with the Coastal Act. While recreational areas are to be located adjacent to and within the floodplain of Santa Rosa Creek, active recreational uses such as ballfields can be developed without being threatened by or contributing to flooding conditions. Moreover, new standards proposed in the Cambria Community Plan specific to development within the Santa Rosa Creek floodplain are adequate to protect coastal resources consistent with the Coastal Act (see Combining Designation Standards 3 and 4 on pages 7-11 and 7-12 of the Cambria Community Plan). Under these new standards all development must be setback a minimum of 100 feet from the upland edge of riparian vegetation and must maintain the ecological viability of Santa Rosa Creek. Channelization or fill in the active floodway and fringe is prohibited.

However, the allowable uses proposed for Open Space (OS) areas on the western portions of the Ranch raise issues with the long term protection of coastal resources. The allowance of Communications Facilities is one such example. Establishing cell towers in OS designated areas of the Ranch has the potential to disrupt sensitive habitat through construction activities, such as grading and tree removal. It should be noted that a cell tower project is currently pending approval at the County (Local permit D020095D/DRC2006-00129). As proposed by the CCSA, the cell tower project will disturb approximately 7,300 square feet of ground, and involve the placement of 700 cubic yards of fill material, installation of two "monopines" (antennas designed to look like trees) that are 68 and 78 feet in height, and construction of five 160 square foot equipment shelters. While this project has not been



approved by the County, it provides an example of the type of development that may result from the proposed allowance of Communication Facilities on the western portions of the Ranch designated for Open Space (OS). The allowance of Communications Facilities on the western portions of the Ranch is inconsistent with the Coastal Act policies cited above because it will result in non-resource dependent development in Monterey pine and/or native grassland ESHA, and will result in a significant disruption of the ESHA. Moreover, allowance of Communication Facilities results in inconsistencies with Coastal Act visual and scenic resource protection policies (see Scenic Resource findings below for additional detail).

Allowing Outdoor Sports and Recreation on land designated as Open Space raises compatibility concerns, and like Communication Facilities, has the potential to adversely impact coastal resources. Under the LCP, Outdoor Sports and Recreation uses include: amusement and theme parks; golf courses and driving ranges; skateboard parks and water slides; go-cart and miniature auto race tracks; tennis courts; and swim and tennis clubs, to name but a few. Developing these types of uses will require the removal of sensitive terrestrial habitats and will result in significant landform alteration and ground disturbance. The allowance of Outdoor Sports and Recreation on the western portions of the Ranch is inconsistent with the Coastal Act policies cited above because it will result in non-resource dependent development in Monterey pine and/or native grassland ESHA, and will result in a significant disruption of the ESHA.

The allowance of a Caretaker Residence and Residential Accessory Uses on the western portion of the Ranch will result in non-resource dependent development in environmentally sensitive Monterey Pine forest and/or native grassland habitats, will significantly disrupt such resources, and/or infringe on scenic coastal views that should be protected (as discussed in the visual resource findings below). The allowance of a caretaker's unit on the western portions of the Ranch designated Open Space also raises concerns about the availability of public services to support this type of development, as such a use would necessitate the extension of roads and urban services beyond the Urban Services Line (USL). Allowing Crop Production is also inconsistent with the Coastal Act policies cited above because it requires the removal of native vegetation, results in soil disturbance, and may include the application of herbicides and pesticides. Inconsistent with Coastal Act Sections 30240 and 30231, such uses will significantly disrupt and degrade ESHA and are not compatible with the continuance of onsite habitat areas.

To address these inconsistencies, the suggested modifications strike those uses that aren't compatible with the protection of environmentally sensitive habitats. The suggested modifications also recognize that there are some existing Public Utility Facilities on the Ranch (e.g. CCSD pumphouse, existing pipelines, etc.). To avoid creating non-conformity with existing uses and public utility facilities, and to ensure that additional public utility facilities that would disrupt environmentally sensitive habitat areas are not constructed, the suggested modifications clarify that only "existing" public utility facilities, transmission lines, and water wells and impoundments are allowed on the western portions of the Ranch designated as Open Space.

C. ESHA Conclusion



The land use designation changes proposed by the LUP amendment greatly reduce the potential for resource impacts on Fiscalini Ranch property and on the community as a whole. However, some of the uses proposed on the western portions of the Ranch designated as Open Space cannot be accommodated consistent with the ESHA protection policies of the Coastal Act. In order to achieve consistency with the Coastal Act, modifications are required to the proposed list of allowable uses for the property. Some of the proposed uses to be allowed on the Ranch have been eliminated in order to achieve Coastal Act conformance. Only with these modifications can the LUP amendment be found consistent with Coastal Act Sections 30231 and 30240.

2. Scenic Resources

A. Applicable Policies

Coastal Act Section 30251 states:

***Section 30251.** The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

Coastal Act Section 30253 states, in applicable part:

***Section 30253(2).** New development shall assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

Coastal Act Section 30253(5) protects community character. Section 30253(5) states:

***Section 30253(5).** New development shall where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.*

B. Issues and Analysis

Coastal Act Section 30251 provides for the protection of the scenic and visual qualities of coastal areas. Permitted development shall be sited and designed to protect views of and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of the surrounding area, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas shall be subordinate to the character of the setting.



The Fiscalini Ranch provides significant scenic viewsheds and landscapes that are a unique asset to the Cambria area and make the Ranch a popular destination for recreational uses. The acquisition of the Ranch for conservation and recreation purposes was intended to, among other things, facilitate the protection of these important visual resources. However, the proposed allowance of communication facilities on the western portions of the Ranch designated Open Space runs counter to this goal, and conflicts with Coastal Act Policies 30251 and 30253(3). As previously described, it does not appear to be possible to site such structures in Open Space areas in a manner that would not impact public viewsheds and sensitive habitats, particularly in light of the limited opportunity to screen such structures behind existing natural landforms.

The proposed Cambria Community Plan provides new Communitywide Standards for site planning, site design, and building that will help to protect scenic resources. Within the Highway One viewshed in Cambria, these new standards require: the minimization of landform alterations; limiting site disturbance to areas that are on the least visible portions of the site; the use of native vegetation, when feasible, to screen development; shielding of night lighting; and the use of appropriate colors and material to encourage new developments to be sited and designed to minimize visual impacts (see Cambria Urban Area Communitywide Standards 10 through 13, pgs. 7-18 through 7-20). However, it is unlikely that the uses allowed on the Ranch under this amendment can be developed without altering natural landforms and without complete subordination to the character of the natural setting as required by the Coastal Act.

Therefore, suggested modifications are needed to the allowable use standards to better protect visual and scenic resources on the OS portions of the Ranch. Accordingly, the suggested modifications simply delete those uses that conflict with the Coastal Act visual resource protection requirements.

C. Scenic Resources Conclusion

As proposed, the scenic and visual qualities of Fiscalini Ranch are not adequately protected. Allowable uses proposed for the Ranch have a potential to adversely impact visual and scenic resources. New development, such as cell towers and residential uses, cannot be sited and designed to be subordinate to the character of the setting and minimize landform alterations. Thus, modifications are suggested that eliminate uses that are inconsistent with the Coastal Act directive to protect and enhance scenic resources and community character. Only as modified can the LUP amendment be found consistent with Coastal Act Sections 30251 and 30253.

3. Public Access and Recreation

A. Coastal Act Policies

Coastal Act Sections 30210 through 30214 and 30220 through 30224 specifically protect public access and recreation. In particular:

***Section 30210.** In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from*



overuse.

Section 30211. *Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

Section 30212(a). *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:*

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,*
- (2) adequate access exists nearby, or,*
- (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

Section 30212.5. *Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.*

Section 30213. *Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...*

Section 30214(a). *The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:*

- (1) Topographic and geologic site characteristics.*
- (2) The capacity of the site to sustain use and at what level of intensity.*
- (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.*
- (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.*

Section 30220. *Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

Section 30221. *Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial*



recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30222.5. *Ocean front land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses.*

Section 30223. *Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

B. Issues and Analysis

The Coastal Act requires that maximum public access opportunities be provided, consistent with public safety and the need to protect private property owners' rights and natural resource areas from overuse. The Coastal Act further requires that development not interfere with the public's right of access to the sea. The provision of public access, however, is to take into account whether or not adequate public access exists nearby, or if agriculture would be adversely affected. Coastal Act Sections 30210-30214 make clear that public agencies implementing the Coastal Act must make every possible effort to plan for and provide maximum public access to the shoreline, while balancing other public, private, and ecological concerns.

The proposed LUP amendment aims to maximize public access and recreation opportunities on the Ranch. Public access and recreation opportunities on the Ranch will generally be passive, and consist mostly of a multi-use trail system. Multi-use hiking and biking trails form "loops" on the Ranch property, allowing for different user experiences. Trails on the Ranch will provide for a significant segment of the California Coastal Trail (CCT). A portion of the Ranch located adjacent to Santa Rosa Creek and east of Highway One is designated for a Community Park, which will be the only active recreation area on the Ranch. The design and location of development in the park will be conducted through a separate permitting process. All new development proposed with the Community Park project will be subject to the standards of the LCP.

As described, the County's proposed amendment to dedicate land for public access and recreation meets the Coastal Act goal of planning for maximum public access. The land use designation changes specific to the Fiscalini Ranch provide excellent public access and recreation opportunities. The LCP contains numerous standards that are applicable to any new development proposal on the Ranch that will ensure access and recreation can be facilitated consistent with habitat and scenic resource protection. Resources have been further protected by eliminating Outdoor Sports and Recreation Facilities as an allowable use on the western portion of the Ranch designated as Open Space (see Suggested Modifications and ESHA findings on page 8 of this report).

C. Public Access and Recreation Conclusion

Overall, the LUP amendment provides for a substantial increase in public access and recreation opportunities. Measures are in place to ensure that public access and recreation is provided consistent with resource protection. Thus, the Commission can find the amendment consistent with the access and recreation policies of the Coastal Act.



D. California Environmental Quality Act (CEQA)

The Coastal Commission's review process for Local Coastal Programs (and amendments thereto) has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis of LCP amendments, although the Commission can and does use any environmental information that the local government has developed. CEQA requires that alternatives to the proposed action be reviewed and considered for their potential impact on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake. In this case, the County approved an EIR for the new land uses and developments allowed by the LCP amendment. Staff has used this information in the analysis of the amendment submittal, and has identified additional measures that need to be incorporated into the amendment in order to avoid adverse environmental impacts. The measures are embodied in the suggested modifications to the County's amendment submittal. With these changes, approval of the amendment complies with the California Environmental Quality Act because as modified, the amendment will not have significant environmental effects for which feasible mitigation measures have not been employed.



LCP #1-06 (Part 2) Fiscalini Ranch

FINAL ADOPTED VERSION
OF FISCALINI RANCH AMENDMENT

EXHIBIT LRP2004-00024:E

LAND USE ELEMENT AND LOCAL COASTAL PLAN AND OFFICIAL MAPS

Fiscalini Ranch Amendments

Amend the North Coast Area Plan, Official Maps, Part II of the Land Use Element/Local Coastal Plan and the North Coast Area Plan, Part II of the Land Use Element/Local Coastal Plan as follows.

13. Fiscalini Ranch. ~~The Ranch.~~ The following standards 7 through 9 apply only to the area designated on Figure 5 7-5 as The Fiscalini Ranch.

A. Limitation on Use.

- 1. Recreation Land Use Category.** Uses shall be limited to Outdoor Sports & Recreation, Passive Recreation, Crop Production & Grazing, Communications Facilities, Coastal Accessways, Public Assembly & Entertainment, Temporary Events, One Caretaker Residence, Residential Accessory Use, Fisheries & Game Preserves, Water Wells & Impoundments, and Pipelines & Transmission Lines. Utilities shall be installed underground rather than by the use of poles and overhead lines.

- 2. Open Space Land Use Category.** Uses shall be limited to Outdoor Sports & Recreation, Passive Recreation, Crop Production & Grazing, Communications Facilities, Coastal Accessways, Temporary Events, One Caretaker Residence, Residential Accessory Use, Water Wells & Impoundments, and Pipelines & Transmission Lines.

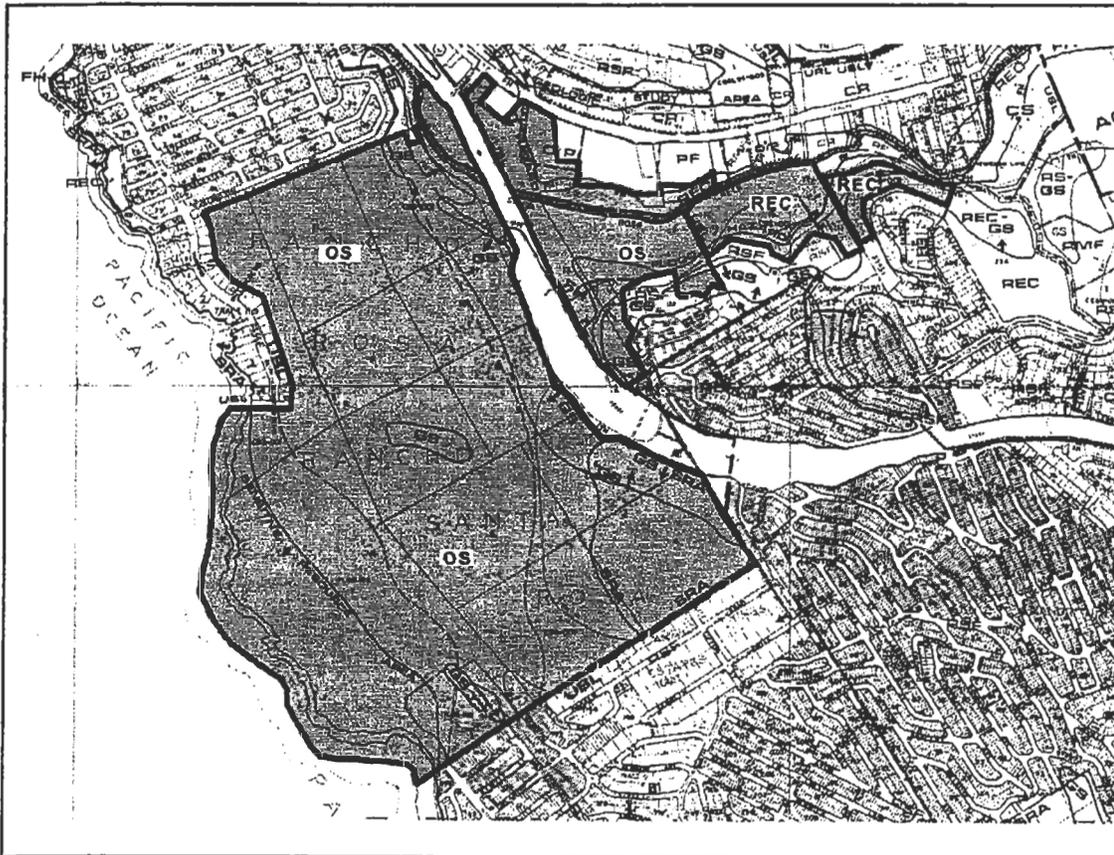


Figure 7-5: Fiscalini Ranch

B. Pedestrian and Bicycle Path - East Ranch Area. A pedestrian and bicycle path

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shall be installed along Santa Rosa Creek at the time of development consistent with the environmentally sensitive habitat area policies of the Land Use Element.

7. ~~Permit Requirement - Communitywide. Minor Use Permit review is required for development on slopes in excess of 20 percent, except where a higher level of review is required by the Coastal Zone Land Use Ordinance or Planning Area Standard.~~
8. ~~Permit Requirement. Any proposed development of the Fiscalini Ranch requires prior approval of a master Development Plan to identify regulations, conditions of approval and programs to be implemented with the project to achieve consistency with the general plan.~~
9. ~~Application Content. Information submitted with the proposed master Development Plan for the Fiscalini Ranch is to include the following:~~

- a. ~~Specific locations for all proposed land uses (including all existing land uses proposed to be retained on the site), together with proposed height and bulk of structures, setbacks and other features of development. Buildings shall contain no more than two stories and not exceed 25. Structures shall be built to existing grade except where fill is needed for flood protection and then the amount of fill shall be the minimum needed to meet HUD standards. Development, except access roads and paths where no alternative route is feasible, shall be setback a minimum of 50 feet from Highway 1 and buffered by the use of landscape screening. The plan is also to identify any areas proposed to remain undeveloped, and whether such areas are subject to flooding, have slopes in excess of 20%, or are characterized by other hazards or conditions which limit development.~~

~~Except for "crossing bridges" or pedestrian bicycle paths where no feasible, less environmentally damaging alternative route exists, development shall not be allowed within the floodway, stream, riparian corridors, areas of archaeological resources, or undeveloped/unsubdivided pine forest. Where alternative routes do not exist for stream crossings, development impacts shall be mitigated to the maximum extent feasible. No development shall be allowed within wetland resources, over springs, geographically unstable areas, on slopes in excess of 20% or within the bluff top open space (required by Combining Designation Standard 1) that would require use of protective devices.~~

- b. ~~Wetland or marsh resources shall be protected with the minimum standard setback and any project shall be designed to protect and~~

~~improve the existing drainage pattern that serves the resource.~~

~~c. The location and extent of existing and proposed streets, including their tentative widths and improvement standards and the proposed alignment, configuration and improvement standards. The proposed alignments shall be the least environmentally damaging alternative, and shall minimize cutting and filling; shall not extend into sensitive habitat areas or buffers (except for the installation of utility lines, pipelines, drainage and flood control facilities, bridges across streams, or road approaches to bridges); shall minimize visual impacts on Highway 1, and shall not significantly adversely impact the road capacity or level of service on Highway 1.~~

~~d. Standards for population and building densities for the entire site, including lot sizes, types of construction, and provisions for water supply, sewage disposal, storm water drainage and solid waste disposal. These standards shall be set in coordination with a Transfer of Development Credits Program for the Lodge Hill area.~~

~~10. Public Improvements. The following improvements shall be minimum requirements to be incorporated in the design of the projects:~~

~~a. A buffer along Santa Rosa Creek providing a minimum setback of 50' from the inland extent of riparian vegetation with provision for access trails within the area.~~

~~b. Dedication of a civic/cultural facility site located to serve the community.~~

~~c. Dedication of an elementary school site within the project area or provision of in-lieu fees if an alternative site is not needed.~~

~~d. Retirement of water and sewer permits from steep and heavily forested 25 foot wide lots in Lodge Hill to preserve and protect the sensitive Monterey Pine forest habitat.~~

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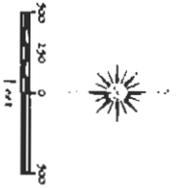
East-West Ranch

Cambria California

Resource Inventory and Constraints Report

Legend

- Property Boundary
- Santa Rosa Creek
- Severe Constraints**
 - Riparian: A, B, C, D, E, F, G, I, J, L
 - Seasonal Wetland: A, B, C, D, L, N
 - Montgomery Pine: I, J, K, L, N
 - Riparian Scrub: A, B, C, D, J, L
- Moderate Constraints**
 - Seabluff Scrub: H, J, N
 - Oak/Toyon: I, J, N
 - Coastal Scrub: H, J, N
 - Grassland: I, M, N
- Minor Constraints**
 - Montgomery Cypress: I
 - Eucalyptus: A, I
 - Ruderal: J

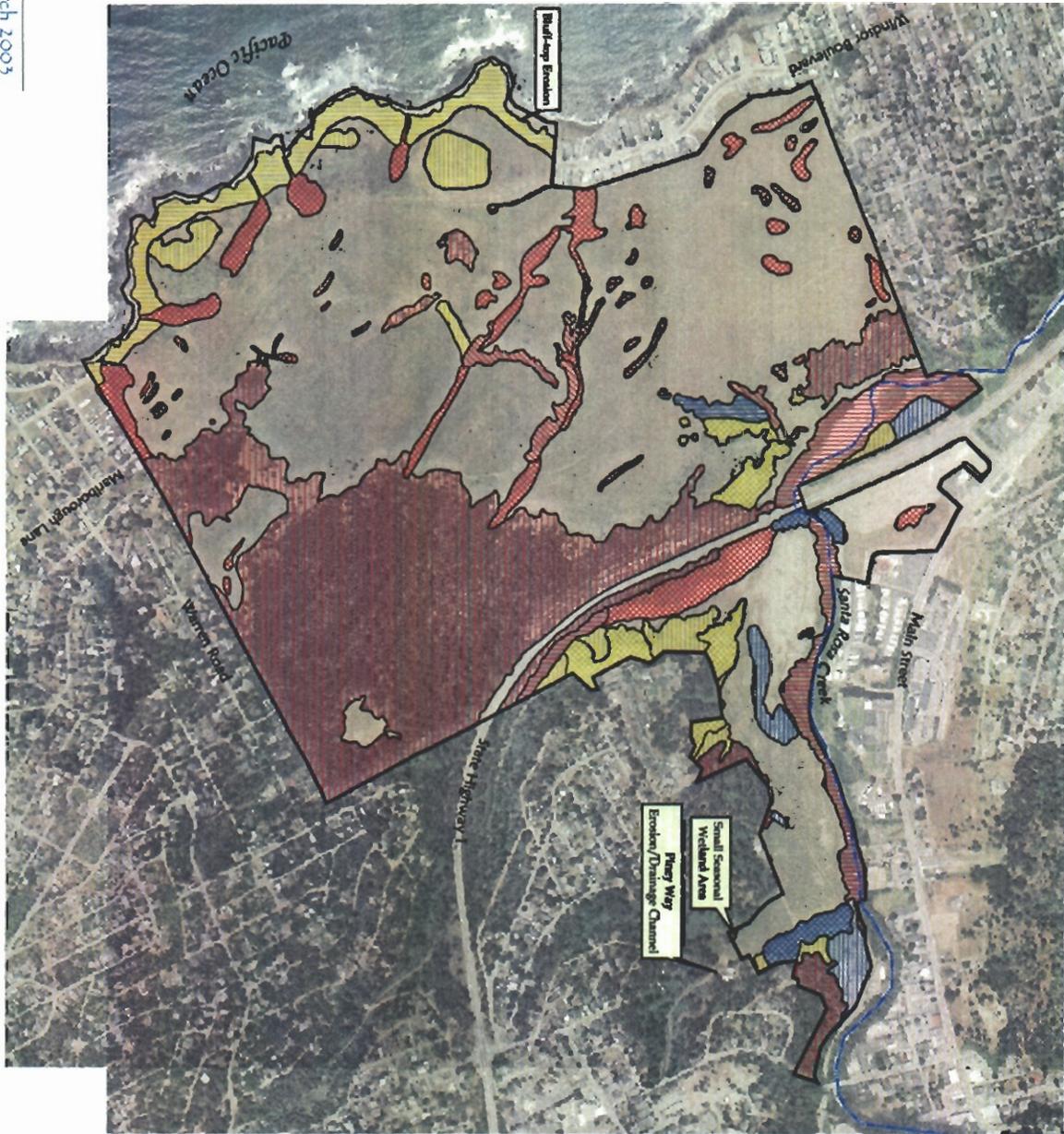


- A. County of San Luis Obispo's 50-foot creek and 100-foot wetland methods (per Sections 23.07.172 and 23.07.174 of the County Land Use Ordinance; Coastal Development permit)
- B. Potential California Department of Fish and Game (CDFG) jurisdiction over activities affecting drainage channel and riparian vegetation (Section 1600 Streambed Alteration Agreement)
- C. Potential U.S. Army Corps of Engineers (Corps) jurisdiction over waters of the U.S. and wetlands (Corps Detachment and Section 404 permit)
- D. California and logged ring habitat (United States Fish and Wildlife Service consultation)
- E. Southern redband and redwater goby habitat (USFWS/National Marine Fisheries Service consultation)
- F. Potential southwestern pond turtle and two-striped garter snake habitat (County and CEQA review)
- G. Potential bank swallow habitat (County and CEQA review; USFWS consultation)
- H. Potential ivory-billed woodpecker habitat for migratory bird species and "hard-core" (County and CEQA review; USFWS consultation; DFC Code 3503 and 3503.5)
- I. Potential nesting/roosting habitat for raptorial bird species and "hard-core" (County and CEQA review; USFWS consultation; DFC Code 3503 and 3503.5)
- J. Potential nesting habitat for Mourning Dove (County and CEQA review)
- K. Rare vegetation community for the California Natural Diversity Database (County and CEQA review)
- L. Potential occurrence of viable perennial grassland (County and CEQA review)
- M. Potential habitat for rare plant species (County and CEQA review)
- N. Potential habitat at intersection of Santa Rosa Creek and Highway 1 may be considered jurisdictional by the California Department of Fish and Game (constraint B).



Biological Constraints

March 2003



East-West Ranch

Cambria, California

Public Access and Resource Management Plan

Legend

-  Locked Gate
-  Community Park Area
-  Restrooms
-  Boardwalk Location
-  Kiosk Location (Trail Information)
-  Pedestrian Bridge
-  Handicapped Accessible Trails
-  Stiles
-  Ballasts
- 

New Trail Connections:

 - ① Bluff Trail (Riding Only, ADA Access)
 - ② Marine Terrace Trail (Multi-Use)
 - ③ Ridge Trail (Multi-Use/ADA Access)
 - ④ Forest Loop (Multi-Use)
 - ⑤ Victoria Lane Trail (Multi-Use)
 - ⑥ Southside Link Trails (Riding/riding)
 - ⑦ Creek to Ridge (Multi-Use)
 - ⑧ Santa Rosa Creek-Vines (Multi-Use)
 - ⑨ Santa Rosa Creek-End (Multi-Use/ADA Access)
 - ⑩ Ramsey Trail (Hiking)
 - ⑪ Whittieridge to Ridge Trail (Riding)
 - ⑫ Ramble Trail (Riding)
 - ⑬ Tipton Trail (Hiking)

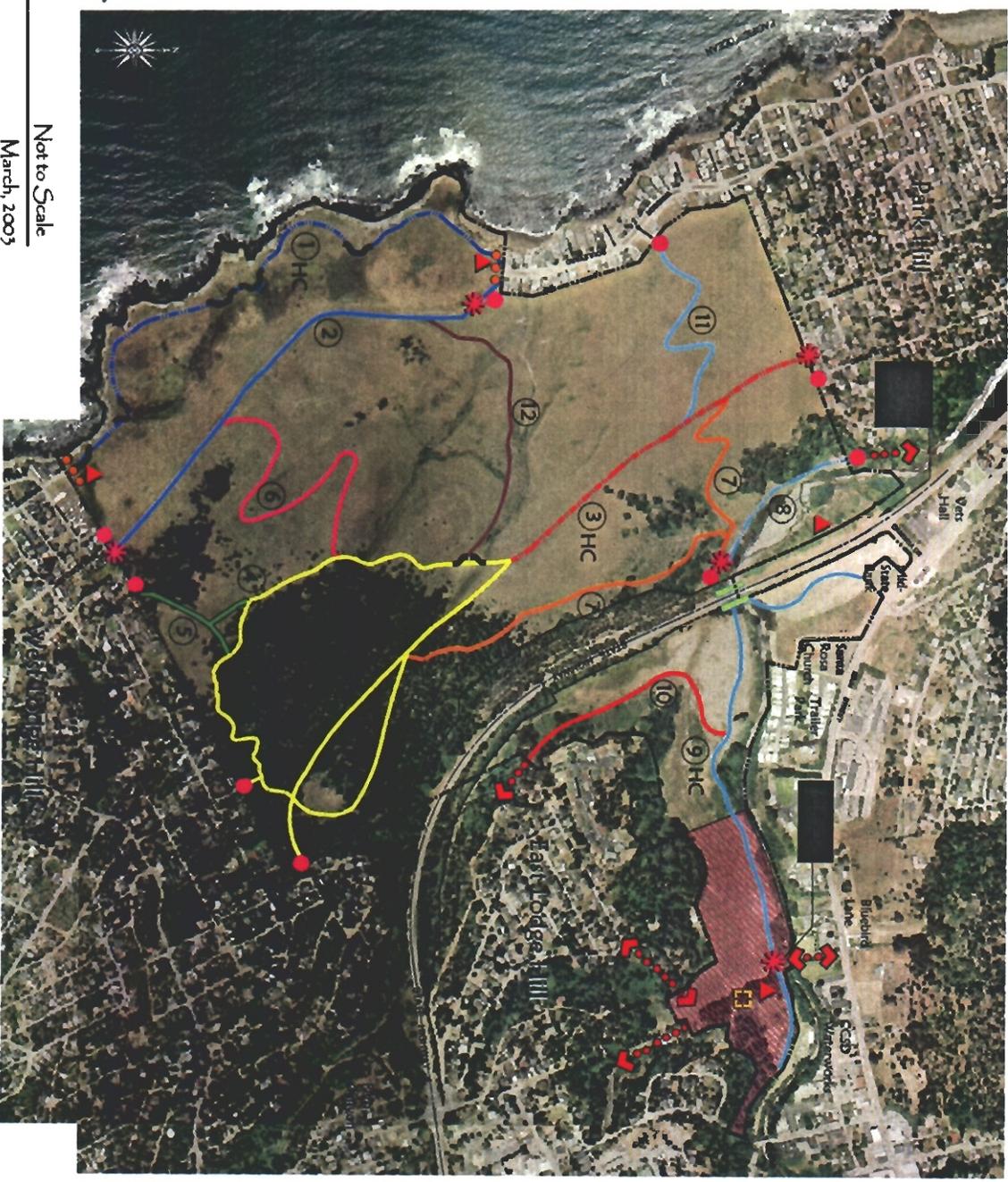
Note: Equestrian access is limited per the Plan conditions.



RRW DESIGN GROUP

Public Access & Trails

Exhibit 1



Not to Scale

March, 2003